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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

GOOGLE, INC., a Delaware corporation, Plaintiff, v. AFFINITY ENGINES, INC., a Delaware corporation, Defendant.	CASE NO. C 05-0598 JW (HRL) **[PROPOSED] ORDER GRANTING AFFINITY ENGINES, INC.'S MOTION FOR FURTHER CASE MANAGEMENT CONFERENCE RE SCOPE OF BRIN AND PAGE DEPOSITIONS** **Judge: Honorable James Ware**

Dockets.Justia.com

Defendant Affinity Engines, Inc. ("AEI") has filed a Motion for Further Case Management Conference Re Scope of Brin and Page Depositions, pursuant to Federal Rules of Civil Procedure 16, Civil Local Rule 16-10(c) and the inherent powers of the Court to amend its prior Case Management orders and to efficiently manage the cases before it. Pursuant to that authority, and Federal Rule of Civil Procedure 56(f), AEI seeks amendment of the scope of deposition topics of Larry Page and Sergey Brin which were set forth in the Court's prior Scheduling Order.

After considering the requesting papers and all other matters presented to the Court, and good cause appearing therefor,

IT IS HEREBY ORDERED AS FOLLOWS:

(A) AEI's request for a further Case Management Conference on December 5, 2005 at 10:00 a.m. is GRANTED.

(B) AEI's request that the Court consider expanding the scope of deposition of Larry Page and Sergey Brin, in light of their knowledge and activities and in light of issues raised in Google's Motion for Summary Judgment is GRANTED. At the December 5, 2005 Case Management Conference the Court will consider expanding the Page and Brin depositions to include testimony on the following topics and any additional testimony necessary for AEI to oppose Google's Motion for Summary Judgment:

1. Larry Page's and Sergey Brin's knowledge of (a) Orkut Buyukkokten's venture to commercialize social networking software, (b) Affinity Engines, Inc., (c) Buyukkokten's preexisting work on Club Nexus, (d) inCircle.

2. Larry Page's and Sergey Brin's knowledge of Orkut Buyukkokten's work on inCircle while he was a Google employee.

3. Larry Page's and Sergey Brin's knowledge of the ownership of the inCircle and Club Nexus software.

4. Whether Larry Page and Sergey Brin had any understanding or belief that any work on the inCircle product was within the scope of Orkut Buyukkokten's employment at Google.

5. Issues regarding bias or interest of Page and Brin.

Dated: __________________, 2005

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The Honorable James Ware
United States District Judge